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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CARLOS ASPRILLA, )  
 )  
Defendant. )

No. CR 10-0348 MHP

**~~PROPOSED~~ ORDER EXCLUDING  
TIME FROM JULY 19, 2010 TO  
SEPTEMBER 13, 2010**

The parties appeared before the Honorable Marilyn Hall Patel on June 28, 2010 for the parties' initial appearance before the district court. At that time, the parties set the matter over for a further status to be held on July 19, 2010. However, defense counsel has not yet completed her necessary investigation in this case. Further, because of personal and professional commitments, defense counsel will be not available until September 13, 2010 for a status hearing. As such, with the agreement of counsel for both parties and the defendant, the Court now finds as follows:

1. The July 19, 2010 status hearing is rescheduled to September 13, 2010.
2. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from July 19, 2010 to September 13, 2010. Failure to grant the requested continuance

ORDER EXCLUDING TIME  
CR 10-0348 MHP

1 would unreasonably deny defense counsel reasonable time necessary for effective preparation,  
2 taking into account the exercise of due diligence and the need for defense counsel to conduct  
3 necessary investigative tasks.

4 3. Given these circumstances, the Court found that the ends of justice served by  
5 excluding the period from July 19, 2010 to September 13, 2010, outweigh the best interest of the  
6 public and the defendant in a speedy trial and filing of an indictment or information. 18 U.S.C.  
7 § 3161(h)(7)(A).

8 4. Accordingly, and with the consent of the defendant, the Court ordered that the period  
9 from July 19, 2010 to September 13, 2010, be excluded from Speedy Trial Act calculations under  
10 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

11  
12 IT IS SO STIPULATED.

13  
14 DATED: July 15, 2010

/s/  
DEBORAH LEVINE  
Counsel for Carlos Asprilla

15  
16  
17 DATED: July 15, 2010

/s/  
BRIAN C. LEWIS  
Assistant United States Attorney

18  
19  
20 IT IS SO ORDERED.

21  
22  
23 DATED: 7/16/2010

